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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/995,224 | 11/26/2001 | Adrian Conor Klein | MSFT-0672/158461.1 | 9650 |

41505 7590 02/15/2006

WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER

RIES, LAURIE ANNE

ART UNIT PAPER NUMBER

2176

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|--------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/995,224 | KLEIN ET AL | |
| | Examiner | Art Unit | |
| | Laurie Ries | 2176 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed 2 December 2005, to the original application filed 26 November 2001.
2. Claims 1-23 remain rejected under 35 U.S.C. 103(a).
3. Claims 1-23 are pending. Claims 1, 12, and 21 are independent claims.

Response to Arguments

4. Applicant's arguments filed 2 December 2005 have been fully considered but they are not persuasive.

Applicant argues on Pages 2-4 of the Instant Amendment that the evidence previously presented (See Request for Continued Examination, filed 19 August 2005) shows conception and reduction to practice of the invention prior to the effective date of the Subramanian and Goodisman references. The Office respectfully disagrees. As stated in the previous Office action, dated 25 October 2005, the affidavit or declaration must state facts and produce such documentary evidence and exhibits in support thereof as are available to show conception and completion of the invention in this country or in a NAFTA or WTO member country (See MPEP 715.07(c)), at least the

conception being at a date prior to the effective date of the reference. Where there has not been reduction to practice prior to the date of the reference, the applicant or patent owner must also show diligence in the completion of his or her invention from a time just prior to the date of the reference continuously up to the date of an actual reduction to practice or up to the date of filing his or her application (filing constitutes a constructive reduction to practice, 37 CFR 1.131). The Office maintains that the evidence set forth presents no factual data to support a showing of conception or reduction to practice of the claimed invention. The declaration by Hittle, filed 1 July 2005, supports the declaration by Gershwiler, also filed 1 July 2005 (See Hittle declaration, paragraph 7). The Gershwiler declaration attempts to show factual evidence regarding conception of the claimed invention. Paragraphs 7 and 8 of the Gershwiler declaration present only legal conclusions that are not supported by evidence. Paragraphs 9-11 of the Gershwiler declaration attempt to show the supporting evidence of conception, including the attached email thread and PowerPoint presentation slides (See Request for Continued Examination, filed 19 August 2005, Attachments A and B). However, while the evidence submitted asserts the facts exist it fails to tell what the facts are or when they occurred. The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice "amounts essentially to mere pleading, unsupported by proof or a showing of facts" and, thus, does not satisfy the requirements of 37 CFR 1.131(b). *In re Borkowski*, 505 F.2d

713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant. 505 F.2d at 718-19, 184 USPQ at 33. See also *In re Harry*, 333 F.2d 920, 142 USPQ 164 (CCPA 1964). (See MPEP 715.07) Additionally, it is unclear as to how the evidence presented in the PowerPoint presentation (See Request for Continued Examination, filed 19 August 2005, Attachment B) shows support for the claimed invention.

Furthermore, the Hittle declaration is deemed improper, as it has not been signed by all the inventors of the subject matter claimed (See MPEP 715.04).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7, 10, 10-12 and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodman (U.S. Publication 2002/0069223 A1) in view of Subramanian (U.S. Publication 2002/0123912 A1).

As per claims 1 and 12, Goodman discloses a system and method for providing associated links in content viewable by a computing browser-type application capable of receiving and displaying content including receiving online content by a

computing application from a cooperating content server over a communications network (See Goodisman, Page 3, paragraphs 0032-00330, a recognizer, or pattern matcher, that cooperates with a linkify engine or helper object to compare the content with a predefined list of key-phrases and/or syntactic rules for recognizing key-phrase candidates. (See Goodisman, Page 6, paragraph 0053). Goodisman does not disclose expressly a helper object that does not cooperate with any other content viewing application. Subramanian discloses a Match Maker, equivalent to the helper object of the Instant Application, whose function is to parse the content of the current page, group attributes to form structured objects, communicate with the Rules Registry, and produce a set of contextually relevant advertisements (See Subramanian, Page 7, paragraph 0102, and Page 10, paragraph 0133). Goodisman and Subramanian are analogous art because they are from the same field of endeavor of linking data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the Match Maker of Subramanian with the system and method for providing associated links of Goodisman. The motivation for doing so would have been to affiliate links that are automatically determined to be relevant to the customer's current interest on the Internet (See Subramanian, Page 1, paragraph 0002). Therefore, it would have been obvious to combine Subramanian with Goodisman for the benefit of affiliating links that are automatically determined to be relevant to the customer's current interest on the Internet to obtain the invention as specified in claims 1 and 12.

As per claim 2, Goodisman and Subramanian disclose the limitations of claim 1 as described above. Goodisman also discloses at least one action handler, or targeting

feature, to execute at least one pre-defined action related to the associated links. (See Goodisman, Page 6, paragraph 0053, and Page 7, paragraph 0056).

As per claim 3, Goodisman and Subramanian disclose the limitations of claim 1 as described above. Subramanian also discloses automatically updating the predefined list of key-phrases and/or syntactic rules (See Subramanian, Page 5, paragraph 0074). Goodisman and Subramanian are analogous art because they are from the same field of endeavor of linking data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include automatic updating of the database of Subramanian with the system for providing associated links of Goodisman. The motivation for doing so would have been to access the latest data whenever the browser is used (See Subramanian, Page 5, paragraph 0074). Therefore, it would have been obvious to combine Subramanian with Goodisman for the benefit of accessing the latest data whenever the browser is used to obtain the invention as specified in claim 3.

As per claim 4, Goodisman and Subramanian disclose the limitations of claim 1 as described above. Goodisman also discloses that the computing application includes a content browser computing application. (See Goodisman, Page 6, paragraph 0053).

As per claim 7, Goodisman and Subramanian disclose the limitations of claim 1 as described above. Goodisman also discloses that the associated links offer features including additional associated links, which is included in the list of possible features set forth in claim 7. (See Goodisman, Pages 3-4, paragraph 0037).

As per claim 10, Goodisman and Subramanian disclose the limitations of claim 1 as described above. Goodisman also discloses that the computing browser-type

application resides on a client computer of a networked computer environment. (See Goodisman, Figure 3, elements 42 and 48).

As per claim 11, Goodisman and Subramanian disclose the limitations of claim 10 as described above. Goodisman also discloses that the received content is received from at least one computer server of the networked computer environment. (See Goodisman, Figure 3, element 44).

As per claim 15, Goodisman and Subramanian disclose the limitations of claim 12 as described above. Goodisman also discloses executing the match true associated links upon interaction from participating users, the interaction being realized through at least one input from a user interface with the match true associated links. (See Goodisman, Page 3, paragraphs 0035-0036, Page 4, paragraph 0038, and Page 7, paragraph 0059).

As per claim 16, Goodisman and Subramanian disclose the limitations of claim 15 as described above. Goodisman also discloses aggregating content associated with the executed associated link, the aggregated content including any of a group including additional associated links, additional relevant content related to the executed content, execution commands for search operations, and execution commands to launch cooperating applications (See Goodisman, Page 3-4, paragraph 0037), and generating an interactive display pane, which is populated with the aggregated content. (See Goodisman, Page 3-4, paragraph 0037).

As per claim 17, Goodisman and Subramanian disclose the limitations of claim 12 as described above. Goodisman also discloses separating the received online

content into phrases and communicating the phrases to the recognizer, or pattern matcher. (See Goodisman, Page 6, paragraph 0053).

As per claim 18, Goodisman and Subramanian disclose the limitations of claim 12 as described above. Goodisman also discloses processing the phrases to identify any words that are contained in the predefined list of associated links. (See Goodisman, Page 6, paragraph 0053).

As per claim 19, Goodisman and Subramanian disclose the limitations of claim 12 as described above. Goodisman also discloses highlighting the match true associated links such that they appear having a different color and/or format than surrounding non-associated link content. (See Goodisman, Page 6, paragraph 0053).

As per claim 20, Goodisman and Subramanian disclose the limitations of claim 12 as described above. Goodisman also discloses a computer readable medium having computer executable instructions for performing the steps in claim 12. (See Goodisman, Page 7, paragraphs 0060 and 0062).

6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodisman (U.S. Publication 2002/0069223 A1) in view of Subramanian (U.S. Publication 2002/0123912 A1), as applied to claim 1 above, and further in view of Smith (U.S. Patent 6,222,537 B1).

As per claims 5 and 6, Goodisman and Subramanian disclose the limitations of claim 1 as described above. Goodisman and Subramanian do not disclose expressly the inclusion of a first and second listener including a set of instructions to monitor and

be responsive to interaction with the computing application. Smith discloses the use of event listener objects, which include a set of instructions to monitor and interact with a computing application. (See Smith, Column 8, lines 23-32). Goodisman, Subramanian and Smith are analogous art because they are from the same field of endeavor of accessing information online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the event listener objects of Smith with the method and system of providing associated links of Goodisman and Subramanian. The motivation for doing so would have been to be aware of events triggered by user interaction. (See Smith, Column 8, lines 28-32). Therefore, it would have been obvious to combine Smith with Goodisman and Subramanian for the benefit of tracking user interaction to obtain the invention as specified in claims 5 and 6.

7. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodisman (U.S. Publication 2002/0069223 A1) in view of Subramanian (U.S. Publication 2002/0123912 A1), as applied to claim 7 above, and further in view of Horowitz (U.S. Patent 6,122,647).

As per claims 8 and 9, Goodisman and Subramanian disclose the limitations of claim 7 as described above. Goodisman and Subramanian do not disclose expressly that the additional associated links are related to an underlying associated link. Horowitz discloses additional associated links that are related to an underlying associated link. (See Horowitz, Figure 5). Goodisman, Subramanian and Horowitz are analogous art because they are from the same field of endeavor of dynamically

generating contextual links. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the additional associated links related to an underlying associated link of Horowitz with the additional associated links of Goodisman and Subramanian. The motivation for doing so would have been to generate new links from the target document that may be available or relevant. (See Horowitz, Column 2, lines 23-29). Therefore, it would have been obvious to combine Horowitz with Goodisman and Subramanian for the benefit of providing additional relevant links to obtain the invention as specified in claims 8 and 9.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodisman (U.S. Publication 2002/0069223 A1) in view of Subramanian (U.S. Publication 2002/0123912 A1), as applied to claim 12 above, and further in view of Kippenhan (U.S. Publication 2002/0010769 A1).

As per claim 13, Goodisman and Subramanian disclose the limitations of claim 12 as described above. Goodisman also discloses displaying the generated processed content to participating users through a cooperating display device. (See Goodisman, Page 6, paragraph 0053, Figure 3, element 42, and Page 5, paragraph 0050).

Goodisman and Subramanian do not disclose expressly monitoring the activity of the participating users with the match true associated links of generated processed content to offer content associated with the associated links. Kippenhan discloses monitoring user activity on a web browser. (See Kippenhan, Page 3, paragraph 0032).

Goodisman, Subramanian and Kippenhan are analogous art because they are from the

same field of endeavor of accessing information online. At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the monitoring of user activity on the browser of Kippenhan with the method of providing associated links of Goodisman and Subramanian. The motivation for doing so would have been to identify and provide additional information about a given subject of interest to a user. (See Kippenhan, Page 1, paragraph 0010). Therefore, it would have been obvious to combine Kippenhan with Goodisman and Subramanian for the benefit of identifying and providing the user with additional information of interest to obtain the invention as specified in claim 13.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodisman (U.S. Publication 2002/0069223 A1) in view of Subramanian (U.S. Publication 2002/0123912 A1) and Kippenhan (U.S. Publication 2002/0010769 A1), as applied to claim 13 above, and further in view of Smith (U.S. Patent 6,222,537 B1).

As per claim 14, Goodisman, Subramanian and Kippenhan disclose the limitations of claim 13 as described above. Goodisman, Subramanian and Kippenhan do not disclose expressly the inclusion of a first and second listener including a set of instructions to monitor and be responsive to interaction with the computing application. Smith discloses the use of event listener objects, which include a set of instructions to monitor and interact with a computing application. (See Smith, Column 8, lines 23-32). Goodisman, Subramanian, Kippenhan and Smith are analogous art because they are from the same field of endeavor of accessing information online. At the time of the

invention it would have been obvious to a person of ordinary skill in the art to include the event listener objects of Smith with the method and system of providing associated links of Goodisman, Subramanian and Kippenhan. The motivation for doing so would have been to be aware of events triggered by user interaction. (See Smith, Column 8, lines 28-32). Therefore, it would have been obvious to combine Smith with Goodisman, Subramanian and Kippenhan for the benefit of tracking user interaction to obtain the invention as specified in claim 14.

10. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodisman (U.S. Publication 2002/0069223 A1) in view of Subramanian (U.S. Publication 2002/0123912 A1) and Baird (U.S. Publication 2003/0080986 A1).

As per claim 21, Goodisman discloses a system and method for providing associated links in content viewable by a computing browser-type application capable of receiving and displaying content including receiving online content by a computing application from a cooperating content server over a communications network (See Goodisman, Page 3, paragraphs 0032-00330, a recognizer, or pattern matcher, that cooperates with a linkify engine or helper object to compare the content with a predefined list of key-phrases and/or syntactic rules for recognizing key-phrase candidates (See Goodisman, Page 6, paragraph 0053), and an update engine on a computing application incorporating associated links in online content (See Goodisman, Claim 34). Goodisman does not disclose expressly a helper object that does not cooperate with any other content viewing application. Subramanian discloses a Match

Maker, equivalent to the helper object of the Instant Application, whose function is to parse the content of the current page, group attributes to form structured objects, communicate with the Rules Registry, and produce a set of contextually relevant advertisements (See Subramanian, Page 7, paragraph 0102, and Page 10, paragraph 0133). Goodisman also does not disclose communicating with an update server to obtain data indicative of an updated associated link list. Baird discloses updating a list of links upon the execution of a preconfigured event. (See Baird, Page 5, paragraph 0048). Goodisman, Subramanian and Baird are analogous art because they are from the same field of endeavor of linking data. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the Match Maker of Subramanian and the update engine of Baird with the system and method for providing associated links of Goodisman. The motivation for doing so would have been to affiliate links that are automatically determined to be relevant to the customer's current interest on the Internet (See Subramanian, Page 1, paragraph 0002) and to remove links which have become outdated or are no longer available. (See Baird, Page 2, paragraph 0021). Therefore, it would have been obvious to combine Subramanian with Goodisman for the benefit of affiliating links that are automatically determined to be relevant to the customer's current interest on the Internet and to remove links which have become outdated or are no longer available to obtain the invention as specified in claim 21.

As per claim 22, Goodisman, Subramanian and Baird disclose the limitations of claim 21 as described above. Goodisman also discloses modifying the existing

predefined associated link lists to include data on the obtained associated link lists (See Goodisman, Page 6, paragraph 0053).

As per claim 23, Goodisman, Subramanian and Baird disclose the limitations of claim 21 as described above. Goodisman also discloses a computer readable medium having computer readable instructions for performing the steps recited in claim 21. (See Goodisman, Page 7, paragraphs 0060 and 0062).

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

William L Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
2/13/2006